

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHARLIE THORNTON,)
Plaintiff,)
v.) CIVIL ACTION NO.: 05-10210-RGS
v.)
UNITED PARCEL SERVICE, INC.,)
Defendant.)

)

**MOTION IN LIMINE TO ADMIT EVIDENCE OF U.P.S.' KNOWLEDGE THAT
A 100% RELEASE POLICY WAS UNLAWFUL**

Now comes the Plaintiff, Charlie Thornton, and hereby moves this Court to admit EEOC determinations and judicial opinions in other cases involving U.P.S. and the alleged 100% release policy. As grounds therefore, the Plaintiff states the following:

1. The Plaintiff is not offering these documents for the truth of the matter asserted. As such, they are not hearsay. See Fed. R. Evid. 801.
2. Rather, the evidence would tend to prove that U.P.S. was notified and was thus aware that a “100% release” policy was a per se violation of the Americans with Disabilities Act.
3. This awareness is relevant to the issue of punitive damages as it would tend to suggest that U.P.S. “engaged in a discriminatory practice or discriminatory practices with malice or with reckless indifference to the federally protected rights of an aggrieved individual.” Kolstad v. ADA, 527 U.S. 526, 534 (1999); Fed. R. Evid. 401.

WHEREFORE, the Plaintiff respectfully requests that this Court admit this evidence.

Respectfully Submitted,
Charlie Thornton
By his attorneys

DATED: February 4, 2008

//s// Michael Tumposky
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LOCAL RULE 7.1 CERTIFICATION

Undersigned counsel certifies that the parties have conferred and have attempted in good faith to resolve or narrow the issue.

//s// Michael Tumposky
Michael Tumposky

CERTIFICATE OF SERVICE

I, Michael Tumposky, hereby certify that, on this the 4th day of February, 2008, I served a copy of this document, where unable to do so electronically, by first-class mail on all counsel of record in this matter.

//s// Michael Tumposky
Michael Tumposky